



City of Annapolis

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Annapolis Environmental Commission

February 5, 2014

The Annapolis Environmental Commission (AEC) held its regular meeting on February 5, 2014 at 145 Gorman Street, Conference Room 3. **Chair** Riegel called the meeting to order at 7:01p.m.

Present: **Chair** Riegel, **Vice Chair** Kissel, Weber, Butler, Pogell, Kiraly, O'Leary

Absent: Zolper

Staff Present: Broadbent, Biba, Waters

Guest: Suzanne Weber, Paul Murphy

Chair Riegel suggested that the AEC include a standing agenda item for public comments to allow guests who attend the meeting an opportunity to discuss topics of interest to them prior to the AEC conducting its business.

III. January 6, 2014 Meeting Minutes

Vice Chair Kissel moved approval of the January 6, 2014 meeting minutes as amended. Mr. Weber seconded the motion. The motion passed unanimously in a vote of 6-0. (O'Leary not present at vote)

IV. **REGULAR BUSINESS BEFORE THE COMMISSION**

A. **Subcommittee Reports**

The written development project status was provided for members to review and discuss.

1. Development Review

Chair Riegel noted that Ms. Butler has requested additional help on development issues and asked if anyone was willing to serve on this subcommittee. Ms. Butler added that there are a significant number of developments to review and not enough people to assist. She noted that there are people at CBF who are interested in serving on the AEC. There was a brief discussion regarding filling the vacancies so that there are opportunities for the new members to serve on the development subcommittee.

a. Reserve at Quiet Waters Appeals

There was no update on this agenda item.

b. Crystal Spring Update

Ms. Butler reported that the status has not changed on this project except that the hold placed on the project has been lifted. There will be a meeting between staff and developers to discuss additional changes to the project.

c. **Thomas Woods**

Ms. Butler noted that there appears to be a forest conservation plan submitted on August 20, 2013 and a response from DNEP on October 3, 2013. Mr. Biba noted that there were some comments on the stormwater management and the developers have not responded to staff's comments detailed in the October 3, 2013 letter.

d. **Milkshake Lane**

Ms. Butler reported that it appears that staff responded on December 27, 2013 to the forest conservation plan submitted in November 2013. She asked if there is anything in the plan that addresses that the 79 trees that were removed with out permitting. Staff responded that there was no permitting required **under the City tree replacement code nor the Forest Conservation Act because at the time the trees were cut down there was no plan for development filed with the City.**

e. **Rodgers Property (Bembe Beach Road)**

Staff noted that this project is still under site design review. Ms. Butler asked for a description of this project at the next meeting.

f. **The Enclave at Spa Road**

Ms. Butler asked about the status of this project clarifying that at the last meeting, staff indicated that the project could not move forward to the Planning Commission until the stormwater management easement was resolved. Mr. Biba responded that the project can move forward without the easement but that the easement as well as road width issues need to be addressed prior to permit issuance.

g. **Hayes Annexation Property**

Ms. Butler reported that the development updates indicate that the FSD was submitted and deemed to be "complete and correct" on May 6, 2013. **This is new language as the Board of Building Appeals has determined that DNEP does not have the ability to approve an FSD.** She noted that there is no new forest conservation plan **filed yet** for this project.

h. **Rocky Gorge**

Ms. Broadbent noted that the Rocky Gorge project which is a development near Safeway may be coming back for review. Mr. Biba added that this project consists of 23-acres **around the deep ravine**, the property has a recorded plat approved effective September 18, 2008. The developer backed out of the project and sold the property. The latest proposal is for 48-units with a mix of stand alone and attached town homes. Ms. Broadbent agreed to keep the AEC updated on the status of this project as it develops. **Plat permits were never issued. Ms. Broadbent said they have to review whether a grading permit from 2006 is still good.**

Vice Chair Kissel agreed to discuss the project status of all developments in the pipeline with Mr. Smith and provide a report at the AEC meetings.

2. Recycling

Mr. O'Leary did not have any updates from the subcommittee other than that which was placed in the newspaper. Mr. Murphy discussed an opportunity for a composting site in Anne Arundel County.

3. Outreach

Mr. O'Leary has not had opportunity to update the website. Mr. Weber asked that members consider making a contribution to the content of the newsletter.

4. Water Quality/Stormwater

a. Stormwater Utility Expenditures Letter

Chair Riegel noted that he, Ms. Kiraly, Ms. Butler and Ms. Pogell all attended the last Environmental Matters Commission (EMC). At the meeting, there was discussion regarding the

stormwater utility fund specifically on whether past expenditures were proper uses of the fund. The second issue relates to whether the proposed expenditures for the upcoming year are the proper use of funds. He referred members to a letter he prepared to the Mayor on this issue for review and asked for comments. Mr. Weber had some suggested edits. Ms. Butler suggested that AEC get additional information specifically relating to the clarification on the process. She believes that there needs to be oversight of the use of the funds to ensure that they are going towards stormwater management projects. It was noted that **we should give the City some additional time to respond and that** Ms. Virginia Burke might be able to provide a response to the AEC concerns.

Ms. Butler moved to give the staff seven days to respond to the letter prior to it being sent to the Council. **Vice Chair** Kissel seconded the motion. The motion passed unanimously in a vote of 7-0.

b. No Discharge Zone

Chair Riegel provided the status of this agenda item indicating that AEC was under the assumption that an application was made on the NDZ but was later informed that an application was not made. Mr. Biba added that the City is prepared to make an application but the City has to host some public education meetings as well as a budget. **The last administration felt we needed an education budget of \$5,000 for public information but there is no money for it.** The AEC decided to table this discussion for a recommendation from the Water Quality subcommittee.

5. Renewable Energy

Mr. Weber asked about the status of the performance standards. Ms. Broadbent responded that Mr. Jarrell indicated that Public Works will be working on the performance contracts but have more pressing projects that take priority so it may be approximately four-five months before they are able to review it. Mr. Weber indicated that the City could help by encouraging the Purchasing entity to purchase more renewable energy. Ms. Broadbent briefly discussed the Clean Currents program.

B. DNEP Report

Ms. Broadbent explained that the Chicken Coup ordinance has a sunset clause so expires in three years so will need to be reintroduced. She agreed to discuss further with **Chair** Riegel.

Mr. Biba reported that DNEP applied for a \$10M grant from the Chesapeake Bay Restoration Trust and believes that the City will receive a portion of the \$10M to be linked to the Admiral Farragut stream restoration project. He noted that the award is sometime in March 2014. Ms. Butler asked about a tour of the stream restoration and Ms. Broadbent agreed to coordinate a meeting.

C. VACANCIES

1. Appointments to Fill Vacancies

Ms. Suzanne Weber sent in an application last summer and interviewed with former Mayor Cohen. She has not heard back yet. **Chair** Riegel agreed to follow up with the new Mayor.

2. Amend enabling legislation to same as for other commissions

Chair Riegel noted that the AEC is the only Commission that is lacking regulatory **authority but still needs a quorum to conduct business.** He agreed to follow up with Ms. Raftovich.

D. Topics for Environmental Breakfast Meeting

Chair Riegel noted that the new Mayor has indicated an interest in continuing the environmental breakfast. The next breakfast is scheduled for February 25, 2014. **Vice Chair** Kissel agreed to attend in the absence of the **Chair**.

E. **2014 City Environmental Priorities and Legislative Matters**

The AEC sent a letter to the Mayor and this agenda item needs following up. Mr. Weber asked about the status of the Forest Conservation Act legislation and suggested that AEC solicit the status from Alderman Littman.

F. **NEW BUSINESS**

Impacts of Loss of Environmental Compliance Inspector

Vice Chair Kissel suggested a subcommittee under the Water/Quality subcommittee who will draft a letter to the Mayor/Council regarding the impacts of the Environmental Compliance Inspector that was eliminated and that it is necessary to have someone with those types of capabilities. Ms. Broadbent went over the budget process as it relates to cuts/additions noting that the Mayor releases the budget on March 10th so Department are not aware of whether items will be cut or accepted. Mr. Weber suggested obtaining a list of environmental projects and responsibilities that the City currently works on. **Vice Chair** Kissel agreed to draft some language for the AEC to review and comment at the next March 5, 2014 meeting.

Mr. Murphy again raised the issue of solar panels for the City garages to save on electricity costs. Ms. Broadbent noted that BGE is reviewing the garages to determine lighting efficiencies. Chair Riegel suggested that Mr. Murphy contact Mr. Jarrell regarding this issue.

G. **ADJOURNMENT**

Ms. Pogell moved to adjourn the meeting at 8:38pm. Ms. Butler seconded the motion. The motion passed unanimously in a vote of 7-0. **The next AEC meeting is scheduled for March 5, 2014 at 7:00pm at 145 Gorman Street.**

Tami Hook, Recorder